

REMARKS**Claim amendments**

Claims 1, 2, 5-8, 21, 27, 28, 30, 31, 34 and 55-59 are amended to recite a “retroviral vector.” Support for this amendment is in the specification, for example, at page 10, lines 23-25, page 20, line 24 through page 21, line 23, page 22, line 21 through page 24, line 3, and Figure 2.

Claims 16-19, 23, 25, 42-45, 49, 53, 54, 66-69, 73, 74, 76 and 77 are canceled.

No new matter is added.

Rejection of Claims 1, 2, 4, 5-8, 21, 27, 28, 30, 31, 34 and 55-59 Under 35 U.S.C. § 112, First Paragraph

Claims 1, 2, 4, 5-8, 21, 27, 28, 30, 31, 34 and 55-59 are rejected under 35 U.S.C. § 112, first paragraph as containing “subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention” (Office Action, page 2). Specifically, the Examiner states that the “the only vector adequately described in the original disclosure is a retroviral plasmid vector” (Office Action, page 3). The Examiner further states that “since a disclosure cannot teach one to make or use something that has not been adequately described” (Office Action, page 3), Claims 1, 2, 4, 5-8, 21, 27, 28, 30, 31, 34 and 55-59 are also rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement.

Applicants respectfully disagree. However, in order to expedite prosecution of the application, Applicants have amended the claims to recite “a recombinant retroviral vector.” Accordingly, the claims, as amended, fully comply with the written description and enablement requirements. Applicants reserve the right to file a continuing application or take such other appropriate action deemed necessary to protect the invention of the claims prior to amendment.

Rejection of Claims 16-19, 23, 25, 42-45, 49, 53, 54, 66-69, 73, 74, 76 and 77 Under 35 U.S.C. § 112, First Paragraph

Claims 16-19, 23, 25, 42-45, 49, 53, 54, 66-69, 73, 74, 76 and 77 are rejected under 35 U.S.C. § 112, first paragraph because “the specification, while being enabling for anti-tumor or

anti-viral activities *in vitro*, does not reasonably provide enablement for treating any and all diseases selected from the group consisting of a genetic defect, cancer, and viral infections” (Office Action, page 4).

Applicants respectfully disagree. However, in order to expedite prosecution of this application, Applicants have canceled Claims 16-19, 23, 25, 42-45, 49, 53, 54, 66-69, 73, 74, 76 and 77. Applicants reserve the right to file a continuing application or take such other appropriate action deemed necessary to protect the invention of the canceled claims.

Allowed Claims

The Examiner has indicated that Claims 9-15, 20, 22, 26, 35-40, 46-48, 52, 60-65, 70-72 and 75 are allowable.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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